

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

JOHN DOES 1 THROUGH 7,

*Judgment Creditors,*

v.

THE TALIBAN, AL-QAEDA, and THE  
HAQQANI NETWORK,

*Judgment Debtors,*

v.

THE BANK OF NEW YORK MELLON,

*Garnishee*

Case Action No. 6:22-cv-00990-DNH-TWD

**SUPPLEMENTAL DECLARATION OF DMYTRO KOSTIUKOV**

I, Dmytro Kostiukov, hereby declare as follows on behalf of the Deposit Guarantee Fund (“DGF”):

1. I am the deputy head of the damage recovery division of DGF. I submit this supplemental declaration in further support of DGF’s motion by order to show cause to intervene and vacate the writ of execution against Prominvestbank (the “OSC”).

2. In my original declaration in support of the OSC (ECF No. 35-4), I described and attached as exhibits certain laws adopted by the Ukrainian government prior to Judgment Creditors’ September 20, 2022 application for a writ of execution. Among those were the February 25 National Bank Decision, the February 25 DGF Decision, amendments to the DGF Law and the May 11 Decision.

3. In addition, on March 3, 2022, Ukraine adopted the Resolution of the Cabinet of Ministers of Ukraine No. 187, titled “On ensuring the protection of national interests in future

claims of the State of Ukraine in connection with the military aggression of the Russian Federation.” This resolution established a moratorium on any execution against the assets of Prominvestbank by persons associated with Russia (subject to certain exceptions). Prominvestbank’s assets belonged to its creditors, who – as a result of this resolution and other actions taken by Ukraine to implement it – were in at least 90% of cases Ukrainian citizens and enterprises served by Prominvestbank. A true and correct copy of DGF Decision No. 256 dated April 19, 2022, which summarizes and includes additional measures to implement the March 3, 2022 resolution, is attached hereto as Exhibit A, along with a certified English translation.

4. Moreover, Administrative Judicial Code of Ukraine Article 266-1 provides a three-month period for an individual to challenge an act or decision by the government of Ukraine in court, running from the date the decision was adopted. Thus, the period for challenging all of the acts by the Ukrainian government undertaken to commence and implement the liquidation of Prominvestbank referenced above expired prior to September 20, 2022, and none of those acts were challenged by Russia (or any other party). A true and correct copy of Administrative Judicial Code of Ukraine Article 266-1 is attached hereto as Exhibit B, along with a certified English translation.

5. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed in Ivano-Frankivsk, Ukraine on 3-d February 2023.



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Dmytro Kostiukov